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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/595,600 | 04/28/2006 | Martin Saeterbo | BRYN/0015 | 3324 |

26290 7590 04/27/2009
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| EXAMINER |
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SWINNEY, JENNIFER B

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| ART UNIT | PAPER NUMBER |
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3724

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| MAIL DATE | DELIVERY MODE |
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04/27/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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|------------------------------|--------------------------------------|----------------------------------------|--|
| Office Action Summary | Application No. 10/595,600 | Applicant(s) SAETERBO ET AL. | |
| | Examiner JENNIFER SWINNEY | Art Unit 3724 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 February 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 and 8-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 8-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The amendments filed February 24, 2009 have been entered. Claims 1-4, 8-22 remain pending in the application. Claims 5-7 have been cancelled.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 1-4 and 8-22 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The term "locator device" is not supported by an enabling disclosure. It is unclear what structure allows this device to perform a locating function. The essential goal of the description of the invention requirement is to clearly convey the information that an applicant has invented.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-4, 8-10, 13-16 and 17-22 are rejected, as best understood, under 35 U.S.C. 103(a) as being unpatentable over US Patent Application Publication No.

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2002/003083 to Claesson et al. (Claesson) in view of US Patent Application Publication No. 2002/0083805 to Lundblad et al. (Lundblad) and in further view of US Patent No. Patent No. 5,913,955 to Redmond et al. (Redmond).

Claesson teaches a device (Fig. 1) for vibration damping and or/controlling the flexion of an object in machining, wherein the object is a tool, tool holder, or workpiece which comprises at least one force exchange device (piezoelectric actuator, Fig. 2, 26,27), operative to exchange a force having a force component having a force component (Fig. 1, actuators are old and well known in the art for controlling movement of a mechanical system, therefore, as movement of the tool holder occurs in relation to the tool, a force, parallel to the path of the tool, in the direction of at a right angle is exchanged) directed at a right angle while parallel to the surface object (Fig. 1, Pg 2, Para 0027); or exchanging a moment between the object and device (Pg. 3, 0031, it is noted, although Fig. 2 and Fig. 5 are different embodiments, the tool holder and actuators of Fig. 2 are capable of functioning as described by Fig. 5); a force transmission device (Fig. 1, Pg. 2, Para 0027) positioned between a force exchange device (Fig. 2, 26,27) and an object (Fig. 2,22); a force exchange device (Fig. 2, 26,27) disposed between a clamp (Fig. 2, 23) and the object (Fig. 2,22); a control unit (Fig. 2,28, Pg. 2, Para 0028) for regulating input to an actuator; a sensor (Fig. 2, 24,25) disposed on or in the object for detecting vibrations; a device is modular and permits different dimensions and geometrical configurations of the object (Fig. 2,21, inserts are known to be interchangeable and comprise of various shapes).

Claesson teaches the use of a sensor, but does not explicitly teach the use of an accelerometer sensor. It is further noted, Claesson does not teach a force exchange device external the surface of the object, and a locator device.

Lundblad teaches a force exchange device external the surface of the object (Fig. 1,8, Pg. 3, Para 0040) and a force exchange device attached to a locator device (Fig. 4, 2), a force exchange device (Fig. 4,8) disposed between a force transmission device (Fig. 4, 1) and locator device (4, 2), a force transmission device (Fig. 1,4) and a force exchange device (Fig. 4, 8) are positioned in the locator device (Fig. 4, 2); actuators being controlled passively (Pg. 1, Para 0010). **It has been interpreted, a locator device is any structure capable of being located and a force transmission device is any structure capable of transmitting a force.**

Redmond teaches it is known to use accelerometers sensors to provide information to determine the magnitude of the internal moment required to damp the vibrations being produce. Redmond also teaches actively controlled actuators using an algorithm (Col. 5, lines 5-10) and an actuator for applying force for applying a moment (Col. 3, lines 4-10), and an actuator for absorbing vibrations from an object (Col. 3, lines 15-21).

It would have been obvious to one having ordinary skill in the art at the time of invention to position the force exchange device, external to the surface of the object in an area, in which, the maximum axial elongation occurs during bending in order to control vibrations as deformation occurs as taught by Lundblad. It would have further been obvious to place the force exchange device near a locating device near the root of

the bar to prevent potential interference with the tip of the tool and to use an accelerometer sensor for communicating the required damping information. Controlling vibrations is essential to reducing noise, wear and creating uneven surfaces. It is further noted, the claim would have been obvious because a person of ordinary skill has good reason to pursue the known options within his or her technical grasp. If this leads to the anticipated success, it is likely the product not of innovation but of ordinary skill and common sense.

Additional interpretation of claim 1.

6. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 5,913,955 to Redmond et al. (Redmond) in view of US Patent Application Publication No. 2002/0083805 to Lundblad et al. (Lundblad).

Redmond teaches a device (Fig. 1) for vibration damping and or/controlling the flexion of an object in machining, wherein the object is a tool, tool holder, or workpiece which comprises at least one force exchange device (Fig. 1, P1), operative to exchange a force (Fig. 1) having a force component having a force component directed at a right angle to the surface object (Fig. 1, F1, Col. 3, lines 5-7, Col. 5, lines 24-27); or exchanging a moment between the object and device (Col. 5, lines 33-35).

Redmond does not teach a force exchange device external the surface of the object or a force exchange device attached to a locator device surrounding the object.

Lundblad teaches a force exchange device external the surface of the object (Fig. 1,8, Pg. 3, Para 0040) and a force exchange device attached to a locator device (Fig. 4, 2).

It would have been obvious to one having ordinary skill in the art at the time of invention to position the force exchange device external to the surface of the object in an area in which the maximum axial elongation occurs during bending in order to control vibrations as deformation occurs as taught by Lundblad. It would have further been obvious to place the force exchange device near a locating device near the root of the bar to prevent potential interference with the tip of the tool, counteracts the vibrations produced by machining, It is further noted, the claim would have been obvious because a person of ordinary skill has good reason to pursue the known options within his or her technical grasp. If this leads to the anticipated success, it is likely the product not of innovation but of ordinary skill and common sense.

7. Claims 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Application Publication No. 2002/003083 to Claesson et al. (Claesson) in view of US Patent Application Publication No. 2002/0083805 to Lundblad et al. (Lundblad) and in further view of US Patent No. Patent No. 5,913,955 to Redmond et al. (Redmond) as applied to claim 1 above and further in view of US Patent No. 5,558,477 to Browning et al. (Browning).

Claesson teaches a force exchange device (Fig. 2, 26,27), positioned in the clamp (Fig. 2, 23) of the object (Fig. 2,22), but does not teach a force exchange device exchanges a moment provided by a connector part.

Browning teaches a force exchange device (Fig. 1,17) exchanges a moment by a connector part (Fig. 1, 15, Col. 2, lines 43-46).

It would have been obvious to one having ordinary skill in the art at the time of invention to incorporate a connector as taught by Browning in the invention of Claesson to translate a moment from the force exchange device to the tool bit for machining. It is known to utilize a piezoelectric exchange device to control the damping of the overall system. It is further noted, the claim would have been obvious because a person of ordinary skill has good reason to pursue the known options within his or her technical grasp. If this leads to the anticipated success, it is likely the product not of innovation but of ordinary skill and common sense.

Response to Arguments

8. Applicant's arguments filed February 24, 2009 have been fully considered but they are not persuasive. Applicant did not properly address the 35 U.S.C. 112, first paragraph rejection in the prior action, therefore, the rejection still remains (as noted above).

Applicant argues (Pg. 6), the combination of the prior art does not teach a force exchange device external of a surface object, a force exchange device is attached to a locator device surrounding the object and is operative to exchange a force having a force component directed at a right angle to the surface of the object or exchanging directly a moment between the object and the device.

In Response to applicant's arguments, the prior art in combination teaches a force exchange device external of a surface of the object (see above rejection). The prior art in combination also teaches a force exchange device attached to locator device (as previously noted, a locator device has been interpreted as a device capable of being

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located) surrounding the object is and operative to exchange a force having a force component directed at a right angle to the surface of the object or exchanging directly a moment between the object and the device. A force exchanging device (actuator) is a well known device for controlling movement of a mechanical system, therefore, the movement of the tool holder exchanges a force (in the direction of the length of the work piece) having a force component directed at a right angle on the work piece as depicted in the prior art. The prior art in combination also teaches a force exchange device is capable of generating a moment, which is capable of being exchanged to an object. One having a reasonable technical grasp in the art would render it obvious to utilize a force exchange device (actuator) to transfer a moment force between two corresponding structures.

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to JENNIFER SWINNEY whose telephone number is (571) 270-5843. The examiner can normally be reached on Monday-Friday, 7:30 am-5:00 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer Ashley can be reached on (571) 272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jason Daniel Prone/
Primary Examiner, Art Unit 3724

/JS/